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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

BOX: DAC

Yasuhiro OMURA

Group Art Unit: 2872

Application No.: 10/762,546

Examiner: M. Sikder

Filed: January 23, 2004

Docket No.: 105202.06

For: PROJECTION EXPOSURE APPARATUS

**REQUEST TO RECONSIDER DECISION DISMISSING
PETITION UNDER 37 C.F.R. §1.55(C) AND/OR RENEWED PETITION
TO ACCEPT UNINTENTIONALLY DELAYED CLAIM FOR
PRIORITY UNDER 37 C.F.R. §1.55(C)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant filed a Petition to Accept unintentionally delayed Claim for Priority Under 37 C.F.R. §1.55(c) for this application on June 8, 2004. On July 29, 2004, the Patent Office issued a Decision dismissing the Petition. Applicant hereby requests the Patent Office to reconsider its decision dismissing the Petition. In the alternative, Applicant hereby renews the Petition to accept unintentionally delayed Claim for Priority.

In its July 29 Decision, the Patent Office dismissed the Petition because neither a Substitute Declaration nor a proper Application Data Sheet (ADS) in compliance with 37 C.F.R. 1.76 was submitted with the Petition.

Applicant's undersigned attorney has repeatedly reviewed 37 C.F.R. 1.55(c), and has not located any requirement that a Substitute Declaration or an ADS be submitted in order to grant a Petition Under 37 C.F.R. §1.55(c). It is understood that at some point during

prosecution of this application, a Substitute Declaration identifying all priority applications is required;¹ however, there does not appear to be any requirement that such a Substitute Declaration (or ADS) be submitted in order to grant a Petition under 37 C.F.R. §1.55(c).

Accordingly, Applicant requests the Patent Office to reconsider its Decision dismissing the June 8, 2004 Petition.

Moreover, and in any event, Applicant filed a Substitute Declaration and a certified copy of the priority document on July 23, 2004. Applicant submits a copy of (1) the Substitute Declaration; (2) a Designation of Ten Attorneys for Power of Attorney (because the Substitute Declaration identifies more than 10 attorneys); and (3) the receipt bearing the PTO date-stamp evidencing receipt of these documents by the Patent Office on July 23.

Accordingly, in the event that the Patent Office does not withdraw its dismissal of the June 8, 2004 Petition, Applicant hereby renews the Petition and requests the Patent Office to again consider the June 8, 2004 Petition along with the Substitute Declaration that was filed on July 23.

The Commissioner is hereby authorized to charge Deposit Account No. 15-0461 any fees deemed necessary to grant the Petition.

¹ Applicant indicated on page 1 of the June 8 Petition that a Substitute Declaration would be submitted.

The Patent Office official in charge of this matter is invited to contact Applicant's undersigned attorney at the telephone number listed below if there are any questions, or if anything further is desired.

Respectfully submitted,



Mario A. Costantino
Registration No. 33,565

MAC/al

Attachments:

July 23, 2004 Substitute Declaration
July 23, 2004 Designation of Ten Attorneys
PTO Date-Stamped Receipt

Date: August 5, 2004

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

**DEPOSIT ACCOUNT USE
AUTHORIZATION**

Please grant any extension
necessary for entry;
Charge any fee due to our
Deposit Account No. 15-0461

PTO RECEIPT FOR FILING OF PAPERS

► **Mail Room (Regular Delivery)**

The following papers have been filed:

Submission of Substitute Declaration/Power of Attorney and Certified Copy of Priority Document, executed Declaration and certified copy of Japanese Application No. 11-173775; Designation of Ten Attorneys for Power of Attorney

Name of Applicant: Yasuhiro OMURA

Serial No.: 10/762,546

Atty. File No.: 105202.06

Title (New Cases):

Sender's Initials: MAC/ccs

32/3

PATENT OFFICE DATE STAMP



**COPY TO BE STAMPED BY PATENT OFFICE
AND RETURNED BY MESSENGER**

**Oliff & Berridge, PLC
277 S. Washington Street, Suite 500, Alexandria, Virginia 22314**



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Yasuhiro OMURA

Group Art Unit: 2872

Application No.: 10/762,546

Examiner: M. Sikder

Filed: January 23, 2004

Docket No.: 105202.06

For: PROJECTION EXPOSURE APPARATUS

**SUBMISSION OF SUBSTITUTE DECLARATION/POWER OF ATTORNEY
AND CERTIFIED COPY OF PRIORITY DOCUMENT**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Further to the Petition to Accept Unintentionally Delayed Claim for Priority under 37 C.F.R. §1.55(c) filed on June 8, 2004, Applicant submits the enclosed executed Declaration/Power of Attorney and certified copy of Japanese Application No. 11-173775, filed June 21, 1999. Accordingly, all requirements have been satisfied in order to obtain the priority benefits of the enclosed Japanese Application No. 11-173775.

Because the enclosed Declaration/Power of Attorney identifies more than 10 attorneys, Applicant submits the enclosed Designation of Ten Attorneys for Power of Attorney herewith.

The appropriate Patent Office official is invited to contact Applicant's undersigned attorney at the telephone number listed below if there are any questions.

Respectfully submitted,

Mario A. Costantino
Registration No. 33,565

MAC/ccs

Attachments:

Declaration/Power of Attorney

Designation of Ten Attorneys

Certified Copy of Japanese Application No. 11-173775

Date: July 23, 2004

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**DESIGNATION OF TEN ATTORNEYS
FOR POWER OF ATTORNEY**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This serves as a separate paper in compliance with 37 CFR §1.32(b) indicating that the following ten patent practitioners named in the attached power of attorney are to be recognized by the Patent Office as being of record in the application to which the attached power of attorney is directed:

**James A. Oliff, Reg. No. 27,075; William P. Berridge, Reg. No. 30,024;
Thomas J. Pardini, Reg. No. 30,411; Edward P. Walker, Reg. No. 31,450;
Robert A. Miller, Reg. No. 32,771; Mario A. Costantino, Reg. No. 33,565;
Joel S. Armstrong, Reg. No. 36,430; Christopher W. Brown, Reg. No. 38,025;
Paul Tsou, Reg. No. 37,956; and Eric D. Morehouse, Reg. No. 38,565.**

**ALL CORRESPONDENCE IN CONNECTION WITH THIS APPLICATION
SHOULD BE SENT TO OLIFF & BERRIDGE, PLC, CUSTOMER NO. 25944,
TELEPHONE (703) 836-6400.**

Respectfully submitted,

Mario A. Costantino
Registration No. 33,565

MAC/ccs

Date: July 23, 2004



Declaration and Power of Attorney for Patent Application

特許出願宣言書兼委任状

Japanese Language Declaration

私は、下欄に氏名を記載した発明者として、以下のとおり宣言する：

私の住所、郵便宛先および国籍は、下欄に氏名に続いて記載したとおりであり、下記名称の発明に関し、特許請求の範囲に記載した特許を求める主題の本来の、最初にして唯一の発明者である（一人の氏名のみが下欄に記載されている場合）か、もしくは本来の、最初にして共同の発明者である（複数の氏名が下欄に記載されている場合）と信じ、

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

PROJECTION EXPOSURE APPARATUS

その明細書を
(該当するものにチェック)

☐ ここに添付する。

☐ _____年____月____日に

出願番号第_____として提出され、

_____年____月____日に補正し、

(該当する場合)

私は、前記のとおり補正した特許請求の範囲を含む前記明細書の内容を検討し、理解したことを陳述する。

私は、連邦施行規則第37章第1条第56項に従い、本願の特許性の有無について重要な情報を開示すべき義務を有することを認める。

私は、米国法第35章第119条に基づく下記の外国特許出願もしくは発明者証出願の外国優先権利益を主張し、さらに優先権の主張に係わる基礎出願の提出日前の提出日を有する外国特許出願もしくは発明者証出願および/もしくは米国仮出願を以下に明記する：

the specification of which
(check one)

☐ is attached hereto.

☒ was filed on January 23, 2004 as

Application Serial No. 10/762,546

and was amended on _____
(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code §119 of any foreign application(s) for patent or inventor's certificate listed below and/or any U.S. provisional application(s) listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior foreign and/or provisional applications
先行外国出願/仮出願

10-231531 (Number/番号)	JAPAN (Country/国名)	18/08/1998 (Day/Month/Year Filed/提出年月日)	<input checked="" type="checkbox"/> (Yes/はい)	<input type="checkbox"/> (No/いいえ)
11-173775 (Number/番号)	JAPAN (Country/国名)	21/06/1999 (Day/Month/Year Filed/提出年月日)	<input checked="" type="checkbox"/> (Yes/はい)	<input type="checkbox"/> (No/いいえ)
 (Number/番号)	 (Country/国名)	 (Day/Month/Year Filed/提出年月日)	<input type="checkbox"/> (Yes/はい)	<input type="checkbox"/> (No/いいえ)
 (Number/番号)	 (Country/国名)	 (Day/Month/Year Filed/提出年月日)	<input type="checkbox"/> (Yes/はい)	<input type="checkbox"/> (No/いいえ)

私は、米国法第 35 章第 120 条に基づく下記の米国特許出願の利益を主張し、本願の特許請求の範囲各項に記載の主題が米国法第 35 章第 112 条の第 1 段落に規定の態様で先の米国出願に開示されていない限度において、先の出願の提出日と本願の国内提出日もしくは P C T 国際出願提出日の間に公表された連邦施行規則第 37 章第 1 条第 56 項に記載の重要な情報を開示すべき義務を有することを認める。

I hereby claim the benefit under Title 35, United States code, §120 of any United States application(s) listed below and, in so far as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112. I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

09/377,010 (Application Serial No./出願番号)	August 18, 1999 (Filing Date/提出日)	Patented (Status: Patented, Pending, abandoned/ 現状：特許成立、係属中、放棄済み)
09/721,952 (Application Serial No./出願番号)	November 27, 2000 (Filing Date/提出日)	Patented (Status: Patented, Pending, abandoned/ 現状：特許成立、係属中、放棄済み)
10/208,748 (Application Serial No./出願番号)	August 1, 2002 (Filing Date/提出日)	Patented (Status: Patented, Pending, abandoned/ 現状：特許成立、係属中、放棄済み)
10/419,006 (Application Serial No./出願番号)	April 21, 2003 (Filing Date/提出日)	Patented (Status: Patented, Pending, abandoned/ 現状：特許成立、係属中、放棄済み)

私は、ここに自己の知識にもとづいて行った陳述がすべて真実であり、自己の有する情報および信ずるところに従って行った陳述が真実であると信じ、さらに故意に虚偽の陳述等を行った場合、米国法第 18 章第 1001 条により、罰金もしくは禁錮に処せられるか、またはこれらの刑が併科され、またかかる故意による虚偽の陳述が本願ないし本願に対して付与される特許の有効性を損なうことがあることを認識して、以上の陳述を行ったことを宣言する。

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true: and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

委任状：私は下記発明者として、以下の代理人をここに選任し、本願の手續を遂行すること並びにこれに関する一切の行為を特許商標庁に対して行うことを委任する。（代理人氏名および登録番号を明記のこと）

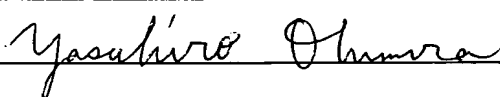
POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (list name and registration number)

James A. Oliff, Reg. No. 27,075; William P. Berridge, Reg. No. 30,024;
Kirk M. Hudson, Reg. No. 27,562; Thomas J. Pardini, Reg. No. 30,411;
Edward P. Walker, Reg. No. 31,450; Robert A. Miller, Reg. No. 32,771;
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Christopher W. Brown, Reg. No. 38,025; Richard E. Rice, Reg. No. 31,560;
Paul Tsou Reg. No. 37,956; and Eric D. Morehouse, Reg. No. 38,565.

Send Correspondence To/書類送付先:

OLIFF & BERRIDGE
P. O. BOX 19928
ALEXANDRIA, VIRGINIA 22320
USA
Telephone: (703) 836-6400

Direct Telephone Calls To (name and telephone number)/直通電話連絡先(名称および電話番号):

Full name of sole or first inventor/単独または第一発明者の氏名 Yasuhiro OMURA	
Inventor's signature/同発明者の署名 	Date/日付 June 23 2004
Residence/住所 Chuo-ku, Tokyo, Japan	
Citizenship/国籍 Japan	
Post Office Address/郵便宛先 c/o Nikon Corporation Fuji Bldg., 2-3 Marunouchi 3-chome, Chiyoda-ku, Tokyo 100-8331 Japan	
Full name of second joint inventor (if any)/第二共同発明者の氏名(該当する場合)	
Second inventor's signature/第二発明者の署名	Date/日付
Residence/住所	
Citizenship/国籍	
Post Office Address/郵便宛先	

Supply similar information and signature for third and subsequent joint inventors.

第三又はそれ以降の共同発明者に対しても同様な情報および署名を提供すること。